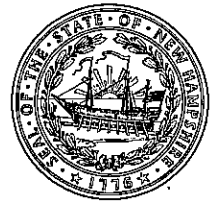




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 29, 2008

The Honorable Martha Fuller Clark, Chairman  
Energy, Environment and Economic Development Committee  
Legislative Office Building, Room 102  
Concord, New Hampshire 03301

Re: SB 56, relative to financial responsibility for large groundwater withdrawals

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on Senate Bill 56, which would require that a person developing a new large groundwater withdrawal for commercial purposes demonstrate it has \$1,000,000 in bonding and insurance to address potential impacts associated with the large groundwater withdrawal.

The Department requests that a definition of "commercial groundwater withdrawal" be added to Senate Bill 56 to clarify that all community water systems as defined by RSA 485:1-a, I are exempt from the requirements proposed by this bill. Community water systems already must comply with, and their users must pay for compliance with, a significant body of regulations. Accordingly, the Department believes that the additional costs associated with demonstrating financial responsibility are unwarranted for these public water systems.

Since 1998, New Hampshire has had a regulatory process in place to address concerns about the impact of new large groundwater withdrawals on surrounding water resources and users. The purpose of the permitting process is to ensure that new large groundwater withdrawals do not adversely impact existing water resources and users, including wells, wetlands and surface waters. These requirements apply to both withdrawals for public water supply and withdrawals for commercial purposes such as golf courses, bottled water production and industrial water use. This regulatory process has been strengthened several times since 1998 and has been effective in proactively preventing and addressing adverse impacts associated with new large groundwater withdrawals. It clearly provides the Department authority to reduce or halt a withdrawal should an unanticipated impact occur so that any surrounding water use or water resource may recover and be protected.

The Department believes that the current permitting process ensures the mitigation of adverse groundwater impact. However, the Department, of course, defers to the legislature on the need for financial assurance from commercial withdrawals to ensure that funding for interim mitigation is readily available.

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The Honorable Fuller Clark  
Senate Bill 56  
Page 2 of 2  
January 29, 2008

Again, thank you for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Sarah Pillsbury at 271-1168, if you have any questions or need additional information.

Very truly yours,

A handwritten signature in black ink, reading "Thomas S. Burack". The signature is written in a cursive style with a large, stylized "T" and "B".

Thomas S. Burack  
Commissioner

cc: Senator Cilley